

**FLORIO PERRUCCI STEINHARDT  
CAPPELLI TIPTON & TAYLOR, LLC**

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**Attorneys for Defendants, Aero Freight, Inc. and Sandeep Singh**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY (NEWARK, NEW JERSEY)**

ES FREIGHT LINES, INC.,	)	<b>CIVIL ACTION NO.</b>
	)	
Plaintiff,	)	<b>Removed from:</b>
	)	<b>Superior Court of New Jersey</b>
vs.	)	<b>Middlesex County Vicinage</b>
	)	
AERO FREIGHT, INC., SANDEEP SINGH	)	<b>DOCKET NO.: MID-L-3725-22</b>
	)	
Defendants.	)	

**NOTICE OF REMOVAL FILED BY DEFENDANTS, AERO FREIGHT, INC. AND  
SANDEEP SINGH, PURUSANT TO 28 U.S.C. § 1446**

***PLEASE TAKE NOTICE THAT,*** Defendants, Aero Freight, Inc. and Sandeep Singh (hereinafter referred to collectively as “the Aero Defendants”), by and through their counsel, Florio Perrucci Steinhardt Cappelli Tipton & Taylor, LLC hereby file this Notice of Removal, and in support thereof aver as follows:

1. Defendants are named in a civil action filed in the Superior Court of New Jersey, Middlesex County Vicinage, under Docket No. MID-L-3725-22. **[See true and accurate copy of Complaint annexed hereto as Exhibit “A.”]**

2. Pursuant to the provisions of 28 U.S.C. §§ 1332, 1441 and 1446, the Aero Defendants remove this action to the United State District Court for the District of New Jersey (Newark, New Jersey), which is in the judicial district in which the civil action is presently pending.

3. Plaintiff, ES Freight Lines, Inc. (hereinafter referred to as “ESF”) filed its Complaint in the Superior Court of New Jersey, Middlesex County Vicinage on or about July 28, 2022. **[See Exhibit “A.”]**.

4. Plaintiff, ESF, alleges that on or about March 16, 2022, Defendant, Singh, was operating a tractor with trailer owned and/or controlled by Defendant, Singh, with Aero’s permission, when it collided with a 2020 Volvo tractor with 2012 refrigerated Utility trailer. **[See Exhibit “A.”]**.

5. Said collision, the Complaint continues, resulted from the negligence of one or both of the Aero Defendants and proximately caused approximately \$172,021.37 in economic losses, consisting of property damage (repair costs) as well as down time and/or lost revenue while said vehicle was being repaired. **[See Exhibit “A.”]**.

6. Said collision occurred in the State of Indiana and is the subject of an Indiana Officer’s Standard Crash Report. **[See true, accurate and partially redacted copy of the Indiana Officer’s Standard Crash Report, annexed hereto as Exhibit “B.”]**.

7. Plaintiff, ESF, is a corporation with a principal place of business located in Quarryville, Pennsylvania and is, therefore, a resident or domiciliary of the Commonwealth of Pennsylvania. **[See Exhibits “A” and “B.”]**.

8. Jurisdiction pursuant to § 1332(a)(2) requires that the citizenship of the parties be of different states. See *Krasnov v. Dinan*, 465 F. 2d 1298 (3d Cir. 1972).

9. Corporate citizenship is determined by the corporation's state of incorporation and its principal place of business. *See* 28 U.S.C. § 1332(c)(1).

10. Plaintiff, ESF, maintains its principal place of business in the Commonwealth of Pennsylvania and is, therefore, a resident and domiciliary of Pennsylvania. **[See Exhibit "A."].**

11. Defendant, Aero Freight, Inc. is also a corporation having a principal place of business located in Carteret, New Jersey and is, therefore, a resident and domiciliary of the State of New Jersey. **[See Exhibits "A" and "B."].**

12. Defendant, Singh, resides and is a domiciliary of the State of New York. **[See Exhibits "A" and "B."].**

13. The civil action is between citizens of different states and is a civil action over which the District Courts of the United States have original jurisdiction by virtue of diversity jurisdiction granted pursuant to 28 U.S.C. § 1332.

14. Diversity jurisdiction also requires that the amount in controversy exceed \$75,000. *See* 28 U.S.C. § 1332 (a), (a)(1).

15. Plaintiff seeks damages in excess of \$75,000.00. **[See Exhibit "A."].**

16. This Notice of Removal is timely filed, under 28 U.S.C. § 1446(b) because the Complaint was received by insurance representatives of the Aero Defendants, on or about August 3, 2022, and thereafter by the undersigned counsel, on or about August 23, 2022, and this Notice of Removal is filed within thirty (30) days of receipt of the Complaint and within one year of the commencement of the action.

17. Concurrently with this Notice of Removal, and in accordance with 28 U.S.C., the Aero Defendants will issue written notice to Plaintiff by contemporaneously serving a true and exact copy of this Notice of removal with Exhibits.

18. By the filing of this Notice of Removal, the Aero Defendants do not waive any defenses, counterclaims and/or cross-claims available to them.

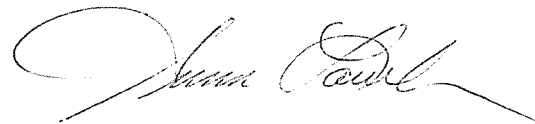
19. The Aero Defendants specifically reserve the right to amend or supplement this Notice of Removal.

20. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

WHEREFORE, Defendants, Aero Freight Inc. and Sandeep Singh, respectfully request that this civil action be removed to the United States District Court for the District of New Jersey, that this Court assume jurisdiction of this civil action, and that this Court enter such other and further orders as may be necessary to accomplish the requested removal and to promote the ends of justice.

Respectfully submitted,

**FLORIO PERRUCCI STEINHARDT  
CAPPELLI TIPTON & TAYLOR, LLC**



BY:

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Susan A. Lawless, Esquire  
*Attorney for Defendants, Aero Freight, Inc.  
and Sandeep Singh*

Dated: August 31, 2022

**FLORIO PERRUCCI STEINHARDT  
CAPPELLI TIPTON & TAYLOR, LLC**

Susan A. Lawless, Esquire

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	)	
Defendants.	)	

**CERTIFICATION OF SERVICE**

I, SEAN FLYNN, hereby certify that I am legal assistant to Susan A. Lawless, Esq. and, at her direction and on her behalf, I caused the Notice of Removal pertaining to the civil action filed under docket number MID-L-3725-22 as referenced above to be filed via Electronic Case Filing, and it is thereby available for viewing and downloading. I also certify that I served a true and correct copy of the foregoing via electronic mail and first-class mail on counsel of record:

Lane Brody, Esquire  
Saxton & Stump  
4250 Crums Mill Road, Suite 201  
Harrisburg, PA 17112  
[lb@saxtonstump.com](mailto:lb@saxtonstump.com)  
Attorneys for Plaintiff

DATED: August 31, 2022

  
SEAN FLYNN